

REMARKS

Reconsideration of this application is respectfully requested.

In response to the rejection of claims 12-14 under 35 U.S.C. §112, second paragraph, these claims have been cancelled without prejudice or disclaimer -- thus mooted this ground of rejection.

The undersigned does not understand the Examiner's "Response to Arguments":

"Applicant argues that the applied reference does not suggest the feature of data transformation without changing the data format. Applicant also requested documentation to support the TCP/UDP converter. Therefore, applicant's arguments are not persuasive regarding these features of the invention." [Emphasis added]

It is not appreciated how the first two sentences of asserted fact can in any way support the third sentence of result. Perhaps the Examiner intended to indicate that the Examiner's earlier arguments were not persuasive -- thus explaining this further action citing different prior art?

The rejection of claims 1, 6 and 11 under 35 U.S.C. §103 as allegedly being made "obvious" based on the combination of Katseff et al '796 in view of Yamazaki et al '843 is respectfully traversed.

Once again, the Examiner's comments concerning the Katseff reference are not understood. Katseff appears to disclose merely a straightforward implementation of TCP and UDP in different parts of an internet service provider (ISP) network -- in accordance with the known advantages and disadvantages of these different network protocols. That is, TCP is used for the dial-up links and UDP is used for higher-capacity links within the ISP's network (or

between different ISPs). Quite frankly, this does not add anything to the well known standards specifying these two different protocols.

The Examiner relies upon column 4, lines 16-31 and column 5, line 62 through column 7, line 7. However, the Examiner does not point out what specific components or processing steps of the applicant's claimed invention are to be found at any particular spot in these passages. Where, for example, is there a transmission from a first server to a second server in a first encoding format where the second server then transforms the received data from the first encoding format to a second encoding format before transmitting it on to a client (e.g., see claim 1)? Where is there a dynamic proxy server in the context of claim 6 -- or claim 11?

Recognizing some fundamental deficiencies of the primary Katseff '796 reference, the Examiner also relies upon Yamazaki '843 -- apparently for its data conversion/transfer unit 4. However, it will be seen that Yamazaki et al '843 deals with a single information processing system that happens to have two processors involved (a front end processor 1 and a back end processor 7), each processor running under a different operating system. Accordingly, in the context of this same single information processing system, data conversion/transfer unit 4 performs certain format changes for data being transferred between storage unit 6 and storage unit 9 -- again in that same single information processing system.

A front-end processor translates job data from the format required for the first OS into a format suitable for use with the second OS, and the request is passed to a back-end processor that executes the job. Frankly, in terms of its relevance to the present invention this citation does not

appear to much more significant than the file format conversion functionality that has long been present in PC software.

The Examiner does not identify any motivation for the person of ordinary skill to even consider combination of these two pieces of art.

Yamazaki teaches multi-OS information processing systems and Katseff teaches a method for improving the quality of internet telephony (and other packet-based applications). The only "motivation" asserted by the Examiner for combining these documents is based on an interpretation of the citation that is contaminated by hindsight -- i.e., after having understood the teaching of the present invention. It is interesting that the Examiner does not really attempt to advance any arguments as to why the skilled individual would seek to combine these documents but, instead, merely asserts that it would have been "obvious" to do so.

It is difficult to envisage a technical problem flowing from either of these citations that could be addressed by applying the solution that is supplied by the other citation.

For example, the Examiner alleges:

"It would have been obvious to one having ordinary skill in the art [at] the time the invention was made to incorporate conversion system as taught by Yamazaki into the system of Katseff for the purpose of having two systems with two different data format communicate without changing the data."

Of course the Examiner overlooks the fact that this is not the "problem" being addressed by the applicant's invention (e.g., see the specification in this application).

The disparate nature of these two references is revealed, for example, by merely noting that they are each classified in entirely different classes/sub-classes -- and that even the field of search used by examiners examining these two references is mutually exclusive (i.e., not overlapping in a single class/sub-class)! How could those of only ordinary skill in the art ever find it "obvious" within the meaning of 35 U.S.C. §103 to combine selected features from each of these references -- to solve a problem that is not even considered by either of the references but, instead, can only be appreciated in hindsight in view of the applicant's own teaching?

Although the Examiner has not explicitly stated a prior art-based ground of rejection for claims 2-5 and 7-10, perhaps the Examiner intended to do so since there is some discussion of these claims and allegations about what the references do or do not disclose. In this regard, the Examiner admits that Katseff does not disclose a proxy server between web servers and clients. However, the Examiner takes "official notice" that proxy servers per se were well known in the prior art. However, that begs the question. The applicant is not claiming to have been the first to use a proxy server in any context. Instead, the applicant is claiming the use of a proxy server in the particular combination of methodology/apparatus that is the subject of various pending claims. It is respectfully requested that the Examiner document the asserted "official notice" if it is being asserted that the prior art contains proxy servers in the context as claimed by the applicant. The Examiner indicates that he should be able to "easily obtain a relevant supporting reference". In this regard, the Examiner is respectfully requested to provide such reference so that the applicant can observe exactly the context in which such prior art proxy server is being asserted by the Examiner.

Accordingly, this entire application is believed to be in allowable condition and a formal
Notice to that effect is respectfully solicited.

Respectfully submitted,

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